March 21, 2016

Ms. Serena Hoy
Senior Advisor
Department of Homeland Security
Washington, DC 20528

Re: Imminent removal of Bangladeshi nationals with final orders of removal

Dear Ms. Hoy,

Our organizations recently learned that 160 Bangaladeshis are scheduled for removal in the next week. Dozens of them were participants in the October 2015 hunger strikes (#ElPaso54), who were attempting to bring attention to their prolonged and unjustified detention. We write to ask that DHS suspend these removals.

Desis Rising Up and Moving (DRUM) and South Asian Americans Leading Together (SAALT) filed complaints in November 2015 after discovering the Bangladeshi Consulate was brought in by ICE officials in the El Paso County Detention Center to break the hunger strike. (CRCL Number 16-01-ICE-0012; dated November 17, 2015.) Representatives of the consulate interviewed the hunger strikers, took pictures of the hungers strikers, and subsequently posted names and pictures on the website.[1] Many had pending asylum applications, possibly breaching asylum confidentiality provisions.[2]

On February 21, 2016, members of the Bangladeshi press again posted the *names* of the individuals, stating that negotiations with the US government had concluded. [3] Moreover, it stated that the "[A]ccording to the newspaper, the detainees are aged between 25 and 40. The list sent to Bangladesh government contains age, driver's license numbers and travel documents numbers of the migrants." This level of detail and particularity combined with the names of the individuals causes us great concern.

Based on this article, we are troubled by the implication that ICE officials were involved in releasing names and particular details to the embassy without adequate safeguards to ensure that they would not face retaliation or persecution by the Bangladeshi government. DHS has been aware for months that pictures and names of these individuals have been publicized in the Bangladeshi media. As a result of these actions, many are terrified to return to Bangladesh. In addition to the concerns raised in our previous letter, we are now concerned that ICE officials previously breached confidentiality provisions in their coordination with the State Department. The U.S. Embassy in Bangladesh requested the Bangladeshi Foreign Ministry to facilitate and expedite the removal of the nearly 160 detainees, which includes, but is not limited to detainees at the El Paso facility.

Currently, we believe, at least five detainees have been deported while the rest are being told by ICE they will be deported on March 26, 2016 (Etowah) or March 29, 2016 (El Paso). We believe you must act quickly to suspend removals since these repeated violations of the confidentiality provisions raise credible and immediate concerns as to whether these asylum seekers will face persecution as a result of

[1] "22/10/2015: Hunger Strike of Bangladeshi Detainees Ends at El Paso Detention Center in Texas," http://www.bdembassyusa.org/uploads/news/pnonhse.pdf
[2] See 8 C.F.R. 1208.6
[3] "US likely to deport 159 Bangladesh nationals," http://newsnextbd.com/us-likely-to-deport-159-bangladesh-nationals/ (February 21, 2016).

the publication of their names in the media. We also believe individuals should be released immediately so they can have the necessary support to investigation whether a motion to re-open is warranted and file new asylum claims.

We are deeply troubled that ICE has removed some of these individuals and plans to do the same with the rest who – by anyone's estimation – should be interviewed by OCRCL. These removals are cementing the perception that DHS disregards the rights of asylum seekers and is intent on removing detainees before the investigation has even begun. Moreover, it opens the door to speculation that noncitizens from South Asia and the African continent are being racially profiled and treated differently by DHS.

We request a call with you and your team immediately to discuss the lives and safety of these detainees and to receive an update on any investigation into DHS' violation of federal law. I have attached privacy waivers for 23 individuals. Please do not hesitate to contact Fahd Ahmed at fahd@drumnyc.org or at + (917) 744-5526.

Sincerely,

Fahd Ahmed
Executive Director
DRUM

Lakshmi Sridaran
Director of National Policy and Advocacy
SAALT

Paromita Shah
Associate Director
National Immigration Project of the NLG

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